

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD)(SN)
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This document relates to:

*August Bernaerts, et al. v. Islamic Republic of Iran*, No. 1:19-cv-11865 (GBD) (SN)

**DECLARATION OF ETHAN GREENBERG, ESQ. IN SUPPORT OF MOTION FOR  
PARTIAL FINAL JUDGMENT FOR PLAINTIFF RACHEL UCHITEL**

Ethan Greenberg, Esq., hereby declares under penalty of perjury, as provided for by 28 U.S.C. § 1746, as follows:

1. I am an attorney representing the Plaintiffs in the above-captioned litigation. I submit this Declaration in support of a motion for partial final judgment as to damages made by the Moving Plaintiff Rachel Uchitel. Ms. Uchitel seeks a determination that she was the functional equivalent of the wife of James Andrew “Andy” O’Grady, an investment banker who was killed at the World Trade Center on September 11, 2001. I make this Declaration in order to provide the Court with the pictures and documents about Ms. Uchitel and Mr. O’Grady that are annexed hereto, which I hope will be of assistance to the Court in deciding Ms. Uchitel’s application.

2. Annexed as Exhibit A is a picture of Andy O’Grady, who was co-caption of his college swim team at U.C.L.A., in his swim cap.

3. Attached as Exhibit B is a happy picture of Andy O’Grady and Rachel Uchitel together.

4. Attached as Exhibit C is a candid picture of Rachel Uchitel taken on September 13, 2001. This picture was taken of Ms. Uchitel by a newspaper photographer in a moment of despair as she searched for Andy in the New York City hospital system after

September 11. The picture appeared on the cover of *New York Post* (and in many other publications) the following day.

5. Attached as Exhibit D is a recent picture of Rachel Uchitel (now a divorced single mother) with her daughter Wyatt and their dog Rudy.

6. Attached as Exhibit E is a copy of a December 5, 2009 article from the *New York Post* entitled “Dad of Slain WTC Beau Says Rachel Not the Girl He Knew.” The article is chiefly based on an interview with Andy O’Grady’s father, Jim O’Grady, conducted in the immediate aftermath of the Tiger Woods scandal involving Rachel Uchitel. In the article Mr. O’Grady describes Andy and Rachel’s love for one another, states that Rachel no longer seems to be the same person he knew as his son’s fiancée, and opines that Rachel had changed in response to her grief over Andy’s death.

7. Attached as Exhibit F is a more recent article from the January 8, 2021 *Toronto Star* entitled “From 9/11 Victim to Tiger Woods Villain-Finally! Rachel Uchitel’s Side of the Story” which traces the course of Rachel’s life since 9/11.

8. Attached as Exhibit G is a September 28, 2001 *Los Angeles Times* Article entitled “A Life Lost Amid Towers’ Ruins” which describes Andy O’Grady and his love for Rachel Uchitel.

9. For all the reasons stated in the accompanying Declarations of Jerry S. Goldman, Esq., Rachel Uchitel, Susan Bishop, and of Allison Goodman, and in the accompanying Memorandum of Law, I respectfully request that the Court grant partial final judgment as set forth in the accompanying Notice of Motion.

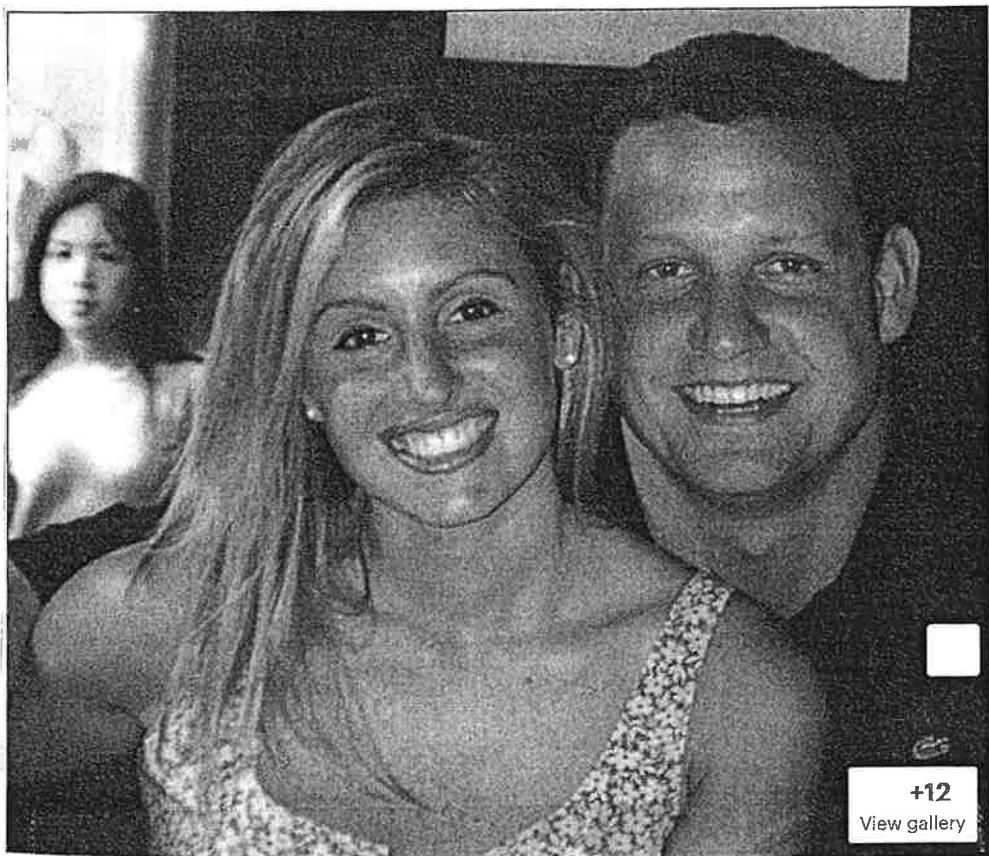
Dated: New York, New York  
May 30, 2023

/s/ Ethan Greenberg  
Ethan Greenberg, Esq.

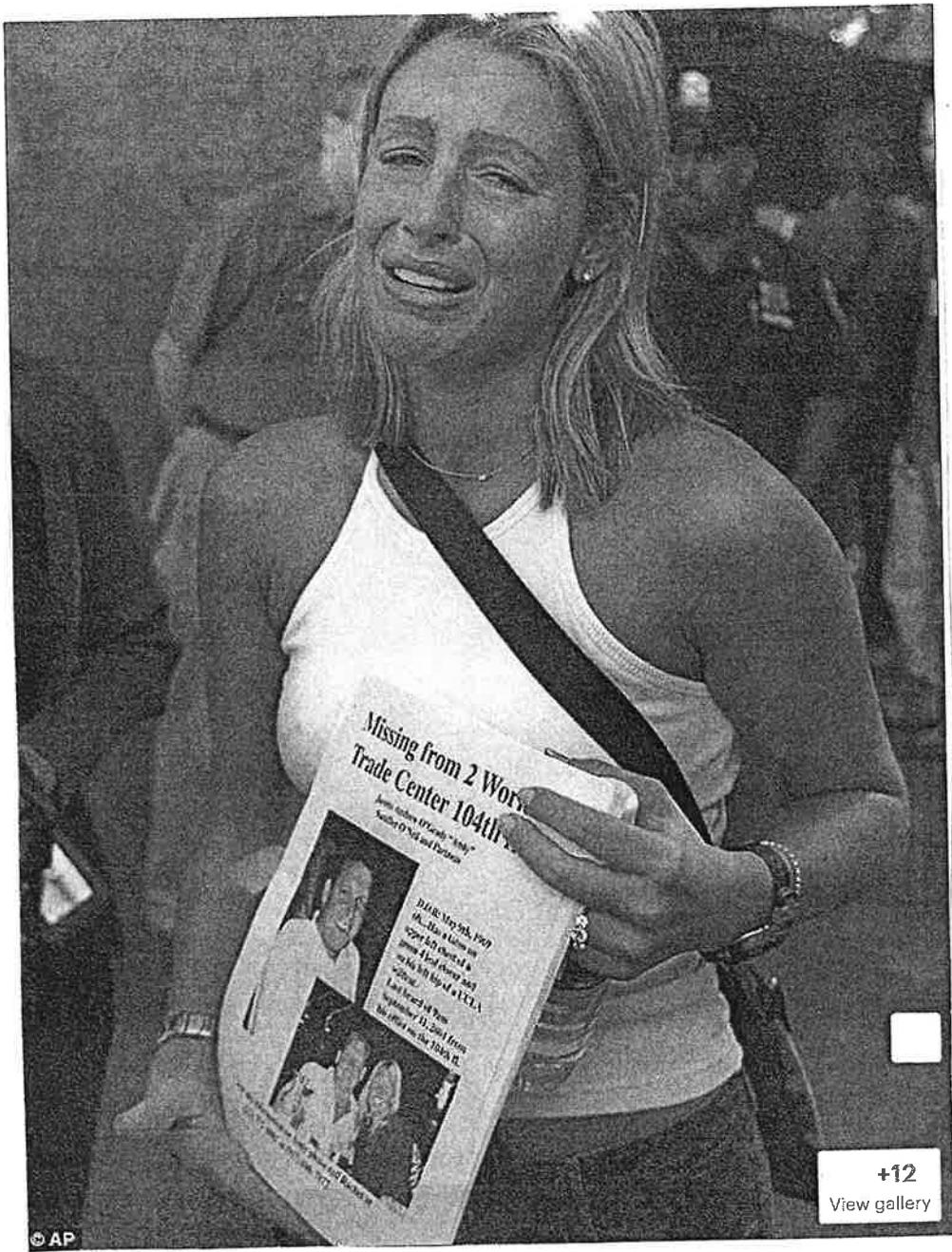
# **EXHIBIT A**



# **EXHIBIT B**



# EXHIBIT C



# **EXHIBIT D**



scribble

# EXHIBIT E





**STUNNED:** The emergence of Rachel Uchitel in the Tiger Woods scandal has surprised James O'Grady, whose 9/11-victim son, Andy, was engaged to her. This picture (inset) of Uchitel crying appeared in The Post days after the 9/11 attacks as she sought her fiancé.

“She was a different person then.”

Those were the words spoken by Rachel Uchitel’s bewildered would-be father-in-law, as he sadly recalled yesterday the stark changes she’s undergone since she lost her fiancé on 9/11.

In the years after becoming the “face” of grief of the terror attacks in an iconic front-page Post photo — clutching a “missing” poster of her husband-to-be, Andy O’Grady — Uchitel barreled into a wild new life that culminated with her involvement in the sensational Tiger Woods sex scandal.

O’Grady was 32 and a managing director for investment bank Sandler O’Neill when he died after the second plane slammed into the south tower of the World Trade Center.

Since his death, the stunning Uchitel, now 33, reinvented herself as jet-setting, VIP hostess at trendy nightclubs, who wound up on front pages across the country this week as the golf legend’s alleged mistress.

AD 1/3



Loading ad 2/3

"The last time I saw [Uchitel] was at the burial of my son — she's not the person she appears to be now," he said. "She wasn't trying to be in the papers [back then]. Maybe 9/11 had an impact on her and this is how she's dealing with that."

Speaking outside his Harrington Park, NJ, home yesterday, O'Grady said he lost touch with Uchitel after terrorists killed his son.

"I haven't had any contact with her whatsoever," the dad said. "He [Andy O'Grady] loved her."

But a family friend of Uchitel isn't surprised by the publicity she has drawn since her loss.

"This is the kind of attention that she craves," said Colleen Clabby, Uchitel's grandfather's girlfriend of 20 years.

**PHOTOS: TIGER'S OTHER WOMAN JAIMEE GRUBBS**

**PHOTOS: RACHEL UCHITEL**

**PHOTOS: TIGER WOODS AND HIS FAMILY**

**PHOTOS: ELIN NORDEGREN**

**PHOTOS: TIGER'S CAR AFTER THE CRASH**

The hottie came from a broken family with a history of addictions, Clabby said. Her father, Bob Uchitel, an Alaskan entrepreneur, died of a cocaine overdose in 1990. He was Alaska's first cable-TV operator.



LOG IN

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kills son...

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Alaska — a two-week trip when she was 11.

"The last time he spoke to her, he was in a stupor," Blake said.

Uchitel's relationship with her grandfather, Maurice Uchitel, wasn't much better, sources said.

A prominent Big Apple nightclub owner, Maurice moved to Las Vegas in his senior years and spent much of his time gambling.

Shortly before Maurice Uchitel's death in 2000, Clabby persuaded him to reconnect with Rachel.

He even left her about \$150,000 in his will, according to lawyers involved.

Before she was identified as Woods' globe-trotting gal pal, Rachel Uchitel was among the best-known behind-the-scenes figures in New York's celebrity nightclub business. Her job was to bring in the big players.

"She was very aggressive working in the clubs," a pal of hers said. "She was always hustling, working with the celebrities. She's got a big agenda."

Uchitel didn't mind rubbing elbows with New York's elite — or boasting about it, sources said.

Woods' alleged mistress, who claims to have met the disgraced duffer at Derek Jeter's Manhattan pad, has bragged to friends about dating the Yankee captain and other celebrities.

Uchitel became a front-page tabloid name when the National Enquirer last week identified her as Woods' gal pal. She has denied the allegation and is currently holed up in Los Angeles, huddling with celebrity lawyer Gloria Allred.

Uchitel was allegedly going to spill the beans about her rumored trysts with Woods at a press conference on Thursday — before Allred mysteriously pulled the plug.

But Allred's daughter, Lisa Bloom, a CNN legal analyst, said, "The only reason why the press conference was canceled and she's remained silent is if there's a significant deal in the works.".

Meanwhile, a report of a fourth alleged Woods mistress emerged last night. The woman, a former cocktail server, claims she met Woods in 2004 at the age of 20 near his Orlando home and had a two-year affair , according to TMZ.com.

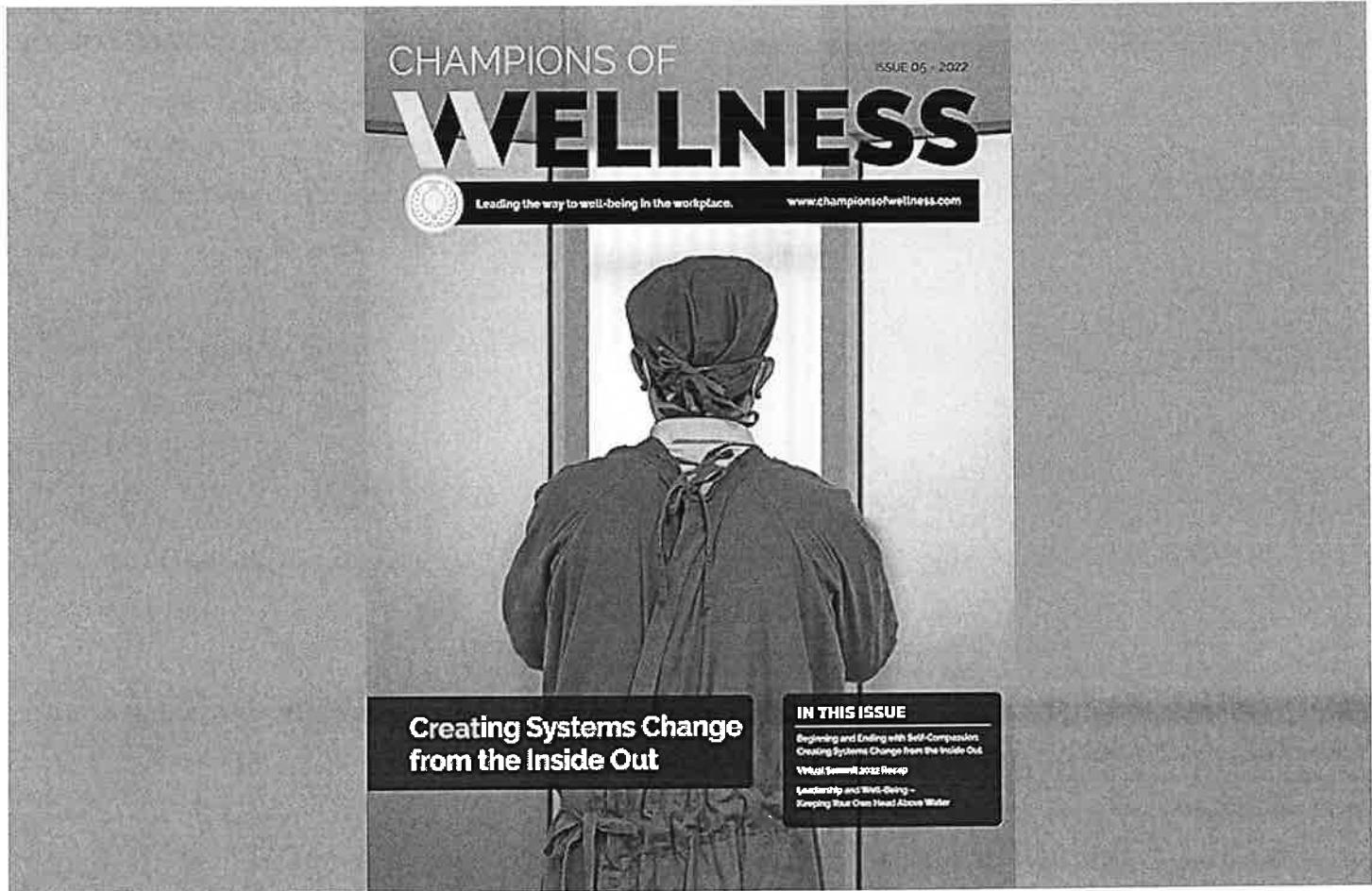
*Additional reporting by Emily Smith and Tom Liddy*

*stefanie.cohen@nypost.com*

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ENTERTAINMENT

OPINION

# From 9/11 victim to Tiger Woods villain – finally! Rachel Uchitel's side of the story

In the new documentary “Tiger” and in an interview with “Juicy Scoop” Uchitel wonders why men get to redeem their reputations and women don’t

By **Shinan Govani** Contributing Columnist

Fri., Jan. 8, 2021 6 min. read

[READ THE CONVERSATION](#)

She speaks!

As much as a new, two-part doc on HBO puts the refocus on Tiger Woods — it is must-must-watch, “Tiger”: the rise and fall, the triumphs, the foibles, the messiah complex, the race factor, the father-son knots — I have to admit I was equally fascinated by the resurgence in it of Rachel Uchitel who, besides having been the Other Woman in his saga, the Eve in the garden of superstar golf, also happens to be one of the great Forrest Gump-like characters in recent Americana.

First, after Sept. 11, she says, “the media branded me as the victim.” Then, a mere 10 years later “I was branded as the villain.”

I mean, get this: years before Uchitel showed up on the cover of the New York Post (and scores of other publications) in the context of her affair with Woods in late 2009, she had already been on the cover of the Post (and scores of other publications) as a face of 9/11. The photo might be familiar, even if the context is not: an anguished beauty, holding up a photo of a man, caught in a moment by a photog from The Associated Press. Her fiancé — to whom she’d just become engaged — was in one of the towers, yup.

She was outside Bellevue Hospital in Manhattan when the infamous photo was taken. Everybody was frantic about their loved ones, she shared in an interview on the “Juicy Scoop” podcast with Heather McDonald last September, “so I had gone to Kinkos and made a missing poster of my fiancé.”

At the time, the 26-year-old worked at Bloomberg (yup, she tumbled fully formed from the media itself) and had returned from Greece just the morning before with her man. She actually talked to him on the phone a few times that fateful day, as he watched the first tower get hit, describing what he was seeing. Unaware then that it was a terrorist attack, he thought he would just go to the roof to get rescued — then his building was hit, too, and she sat helplessly as the inevitable became clear. Seeing the tower fall on TV, “I watched him die and everyone in the newsroom watched me watch him die.”

Sinking to the floor, she said, “I felt a change in my body. I was no longer a little girl at that moment.” A quiver coiled through her that said, “there are no more happily ever afters.”

Many things happened in the years that followed. She went back to work. She took a leave from work. She went to Brazil: “to find herself.” She married a guy who was a childhood friend — and who had a shared 9/11 story — with a 500-person wedding at Cipriani,

but then divorced him months later when the marriage turned out to be a sexless one (a bit like the Charlotte/Trey storyline on “Sex and the City”).

In a random move, she settled in Vegas, where she wound up a VIP hostess at the standard-setting Tao nightclub — the No. 1 hostess for what was then the No. 1 money-making nightclub in the world. They called her the “First Lady of Las Vegas,” as she also took over VIP operations for the sister venues in New York (including Stanton Social, Marquee, etc.), transferring some of her journo skills — back when she used to schmooze CEOs — into her new job.

Enter Tiger.

How did she first meet him? Well, she doesn’t go into as much detail in “Tiger,” but on that podcast she framed it this way: “I was dating Derek Jeter (who, of course, also dated Mariah Carey and many other famous women) and Tiger was sleeping over at Derek’s house. He was just a buddy ... and we just became friendly. So that’s how I originally met him in Manhattan. I met him a couple of times in the nightclubs through other people ...”

But in “Tiger,” she does make it amply clear that it was as much of an emotional relationship as it was physical. Her comments come as the doc makes the point umpteen times that, having known and witnessed his own father’s philandering, “Tiger became what he loathed most about his father,” as someone says. Uchitel recalls her lover phoning her, begging her to fly all the way to Augusta where he was competing in the Masters. “I cannot win unless you come,” she recalls him saying.

While some have hypothesized that his affairs amounted to a kind of thrill-chase, Uchitel reckons that sex, much like alcohol or drugs, was for him a form of “pain relief.” She even paints a picture of him reverting to an almost childlike trance when he was with her, watching cartoons — safely away from the business of Being Tiger Woods.

Eventually the National Enquirer had enough to run a story (they had followed her everywhere). In “Tiger,” Uchitel admits to the ugliest part of the tale: when she got on the phone with Elin, Tiger’s wife, talking to her for 30 minutes, trying to bamboozle her into believing the whole thing was untrue.

After the story broke — and everything came out — Uchitel’s life as she knew it was over. With the TV offers pouring in — and with nothing to lose — she considered both “Celebrity Rehab” and “Celebrity Apprentice.” To woo her for the latter, she told the podcast that Donald Trump sent his now-infamous fixer, Michael Cohen, to take her to dinner, but when she chose the Dr. Drew show — they paid her \$400,000, ostensibly to deal with her “addiction to love” — Trump went to TMZ and, in classic Trump fashion, denied any reports of her doing his show and that, quote, “I don’t even know who she is.”

Later came a romance with “Bones” star David Boreanaz, who was married but had told her he was separated (Uchitel says she found out he was still with his wife, who was pregnant, when she saw a People mag story of Boreanaz in the delivery room!). Then she got married herself. A man 10 years younger. Got pregnant. Got divorced. More drama. Opened a children’s clothing boutique. Even had relationships with the husbands of not one, but two “Real Housewives”: PK Kemsley (before his marriage to Dorit, in Beverly Hills) and Mario Singer (ex of Ramona, in New York ... whom she met through Bumble).

You exhausted yet?

As for why she is speaking now, Uchitel — being the most conspicuous of the Tiger mistresses — feels as if she got cast as the unforgivable hussy while the now 45-year-old athlete, who later had that infamous DUI arrest, reclaimed his public stature by winning the 2019 Masters, settling down a with steady girlfriend, seeming like a good dad.

She has a point. As she told “Juicy Scoop”: “Tiger gets to win awards or win his different tournaments. He gets to come out of things and have mishaps, get up again, and people want to cheer for him ... but the women don’t get that so much, not just with him but with any scandal, and that’s not really fair. I just felt like I needed to be able to have a voice finally.”

*CORRECTION — JAN. 8, 2020: This article has been updated from a previous version to correct the name of PK Kemsley and to note that the Masters was in Augusta.*

“Tiger” premieres Jan. 10 at 9 p.m. on HBO and can also be streamed via Crave.



**Shinan Govani** is a Toronto-based freelance contributing columnist covering culture and society. Follow him on Twitter: @shinangovani

# EXHIBIT G



SPORTS

## A Life and Love Lost Amid Towers' Ruins

BY HELENE ELLIOTT

SEPT. 28, 2001 12 AM PT

TIMES STAFF WRITER

Andy O'Grady and Rachel Uchitel met on a blind date. "Three years ago, right around this time," Uchitel said.

From that day on, their lives blended nicely.

O'Grady was a four-year letter-winning swimmer at UCLA, where he qualified for the NCAA championships in the 100 and 200 breaststroke his freshman, sophomore and senior years. He was a team co-captain as a senior in 1991, and he stayed on as a graduate assistant coach for a year.

A native of Harrington Park, N.J., he went back east after college and was a managing director at the investment banking firm Sandler O'Neill & Partners. He worked at 2 World Trade Center, on the 104th floor.

Uchitel was an editor in charge of future projects for Bloomberg News, a television news service. She and O'Grady settled into an apartment on Manhattan's Upper East Side. They got engaged Aug. 5 and set a wedding date of May 4, 2002.

Those happy visions fell apart before Uchitel's disbelieving eyes Sept. 11. Instead of planning a spring wedding, she spent this week planning a memorial service for O'Grady today at the Central Park Boathouse in Manhattan.

O'Grady, 32, is missing and presumed dead in the rubble of the World Trade Center's south tower, the second of the Twin Towers hit by a hijacked plane that day and the first to crumble. Uchitel watched the horrifying collapse on TV monitors at her office.

"It hit me, but [the scope] didn't completely hit me," she said. "I stayed at work until late and I watched the towers fall. I covered it for our news."

"I was waiting for him to come home. I thought, 'No way anything really bad happened. He'll be at a hospital.' We had just gotten back from Greece. It was his second day back at work. He had just gotten to his office about 45 minutes before it happened."

Uchitel called O'Grady and talked to him briefly after the first hijacked plane hit the north tower. He sounded stressed, she said, but when she asked if anyone was being evacuated from the building, he told her no. When they spoke again, she said he sounded increasingly stressed and told her, 'Rachel, it's really chaotic here. You don't understand. I just saw somebody jump out the window.'"

Yet, she was sure O'Grady, who still swam recreationally and was a member of the New York Athletic Club, would somehow escape harm.

"I never feared for him," she said. "I thought it was an accident until I saw the second plane hit. I called him, and his phone was dead."

Desperate to find him, she went from hospital to hospital for days hoping for word; during her search, an Associated Press photographer captured her image in a photograph that ran in many newspapers around the world, including The Times.

Like so many other New Yorkers who were missing loved ones, she had fliers printed up with O'Grady's picture, hoping someone had seen him escape and would recognize his name or face and would call her. She also went to the New York Armory, a gathering point for victims' friends and relatives, and submitted his vital information in hopes he

might have been taken to a hospital, unconscious, and someone would track him down and reunite them.

She found nothing but heartache and frustration--and the additional tragic news that dozens of other Sandler, O'Neill employees are missing. Eight were confirmed dead as of Thursday, according to the company's Web site. Including O'Grady, whose body has not been found in the tons of rubble and might never be recovered, 58 employees, two consultants to the firm and two visitors are unaccounted for.

Rich Tuohey golfed with O'Grady most weekends and considered O'Grady his best friend. They usually sat side-by-side at work, but Tuohey was in Washington for a meeting Sept. 11. He tried to find out what was happening in New York but couldn't cut through the confusion. Later, he heard the incomprehensibly bad news.

"It's just awful," said Tuohey, who helped arrange today's memorial service. "Andy was an incredible guy who touched the lives of everybody he met in a special way. His loss will be felt on both coasts, by everyone who knew him."

Although she continued to call hospitals for more than a week seeking a miracle, Uchitel finally gave up hope.

The grieving process has begun for her, and for others: She attended a funeral service for O'Grady's boss, Herman Sandler, on Monday, and she's gathering her fiance's friends and family to celebrate his life today. A religious service will be held Saturday at a church in Harrington Park.

Among the hundreds of people expected at today's tribute are many of O'Grady's swimming buddies, some of his UCLA classmates, some Sigma Alpha Epsilon fraternity brothers and his old coach, Ron Ballatore, who left UCLA after the school dropped men's swimming in 1994.

Uchitel asked friends to bring their favorite pictures of O'Grady to the Boathouse, a way to keep his spirit alive even though he is gone.

"It's very strange. I still keep feeling like he hasn't left yet," Uchitel said of O'Grady, who is also survived by his parents and an older sister. "And it seems so far away. I almost forget what he was like."



Helene Elliott

Helene Elliott joined the Los Angeles Times' sports department in 1989. She became the first female journalist to be honored with a plaque in the Hall of Fame of a major professional sport as the 2005 winner of the Hockey Hall of Fame's Elmer Ferguson Award, awarded to writers "who have brought honor to journalism and to hockey." A native of Brooklyn, N.Y., and graduate of Northwestern University's Medill School of Journalism, she has covered 18 Olympics. She recently crossed covering Wimbledon off her bucket list.